

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR 16-32-GF-BMM

Plaintiff,

vs.

**MICHAEL DEWAYNE BURTON and
JACQUELINE MARIE KIRKALDIE,**

Defendants.

**PRELIMINARY ORDER OF
FORFEITURE**

THIS MATTER comes before the Court on the United States' Motion for Preliminary Order of Forfeiture. Defendants Michael Dewayne Burton appeared before the Court on September 26, 2016, and entered a plea of guilty to Count I of the Second Superseding Indictment. He also admitted the forfeiture allegation. Jacqueline Marie Kirkaldie also appeared before the Court on September 26, 2016 and entered a plea of guilty to the Superseding Information. She also admitted the forfeiture allegation. Both Burton and Kirkaldie's plea provides a factual basis and cause to issue an Order of Forfeiture, pursuant to 21 U.S.C. § 881(a)(11).

IT IS ORDERED:

THAT defendant Burton's and Kirkaldie's interest in the following property is forfeited to the United States in accordance with 21 U.S.C. § 881(a)(11).

- Smith & Wesson, model M&P 40, .40 caliber, semi-automatic pistol, with serial number DTC7484;
- 15 rounds of .40 caliber ammunition;
- Ruger, model 10/22, .22 caliber, semi-automatic rifle, with serial number 245-90696;
- 26 rounds of .22 caliber ammunition;
- Winchester, model 290, .22 caliber, semi-automatic rifle, with serial number B1513050;
- 27 rounds of .22 caliber ammunition;
- Remington, model 7400, .30-06 caliber, semi-automatic rifle, with serial number B8132053; and
- 21 rounds of .30-06 caliber ammunition.

THAT the United States Marshals Service and the Bureau of Alcohol, Tobacco, Firearms and Explosives are directed to seize the property subject to forfeiture and further to make a return as provided by law;

THAT the United States will provide written notice to all third parties asserting a legal interest in any of the above-described property and will post on an

official government internet site (www.forfeiture.gov) for at least 30 consecutive days as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions of the Court's Preliminary Order and the United States' intent to dispose of the property in such manner as the Attorney General may direct, pursuant to 18 U.S.C. § 924(d) and 21 U.S.C. § 853(n)(1), and to make its return to this Court that such action has been completed; and

THAT upon adjudication of all third-party interests, if any, the Court will enter a Preliminary Order of Forfeiture.

DATED this 29th day of September, 2016.



Brian Morris
United States District Court Judge